

February 6, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Certification of CPNI Filing**
EB-06-TC-060, WC Docket No. 06-36

Dear Ms. Dortch:

ATX Licensing, Inc. and ATX Telecommunications Services of Virginia, LLC (collectively, "ATX"), pursuant to the Public Notice issued by the Enforcement Bureau on January 30, 2006¹ and the Commission's rules requiring that all telecommunications carriers protect the privacy of customer proprietary network information ("CPNI"),² submit this Certificate and accompanying Statement. ATX takes its responsibility to assure the confidentiality of its customers' CPNI very seriously. ATX is cognizant of the media reports regarding release of subscriber information and assures the Commission that it protects such information and does not allow it to be released to unrelated third parties for any reason. The Company has implemented extensive operational procedures to protect the confidentiality of such information, consistent with the Commission's rules. Nonetheless, in light of the media reports, ATX is reviewing those procedures and is currently implementing a more comprehensive plan for protecting its customers' confidential information to expand its protections against inadvertent external release and to assure complete compliance as to its own internal uses of the information. As part of this comprehensive plan, ATX will issue updated notices to its customers providing them additional opportunities to grant or deny ATX approval to use their CPNI.

As requested by the Public Notice, the undersigned, as an officer of ATX, certifies based upon personal knowledge that the following Compliance Statement accurately describes the

¹ *Enforcement Bureau Directs All Telecommunications Carriers to Submit CPNI Compliance Certifications*, WC Docket No. 05-196, Public Notice, DA 06-223 (rel. Jan. 30, 2006) ("Public Notice").

² 47 C.F.R. §64.2001, *et seq.*

operational procedures and policies implemented by ATX to ensure the privacy of its customers' CPNI in compliance with the Commission's CPNI rules.

No Third Party Disclosure of CPNI

Because ATX takes very seriously its obligation to protect against disclosure of CPNI, ATX does not use, disclose or provide access to CPNI to third parties that are not agents, independent contractors, or joint venture partners of ATX. Disclosure to agents, joint venture partners and independent contractors are made only after such entities or persons have executed a contract with ATX that includes provisions protecting the confidentiality of ATX's customer information. Specifically, the confidentiality provision prohibits contractors from disclosing or using, either during or after the term of their contract with ATX, any proprietary or confidential information of ATX's customers without ATX's prior written permission. The confidentiality provision further obligates the contractor to comply with all applicable laws and regulations. Breach of the confidentiality provision may result in termination of the contract at ATX's discretion.

No Use of CPNI For Marketing Non-Communications-Related Services

ATX does not use CPNI for marketing Non-Communications related services to its customers.

Review Process for Outbound Marketing Campaigns

All out bound marketing campaigns fall under the supervisory purview of ATX's marketing director, and are subject to review by ATX's Legal department to ensure that all applicable laws and regulations are observed. Campaign details, including final intended recipient list, creative samples, and, whenever possible, tracking metrics are kept for at least one year. Outsourced print production and fulfillment services require only basic, publicly-held customer data (company name, contact name, title, mailing address, etc.) to be shared with the Company's contracted vendor; in all such instances, strict confidentiality and non-disclosure agreements are executed and recorded.

Employment at ATX is Contingent on Protecting Customer Confidential Information

Maintaining the privacy of Customers' CPNI is a condition of employment at ATX. ATX vigorously enforces violations of this duty, and has prosecuted former employees that have attempted to breach the privacy of customer CPNI after leaving ATX.

All ATX employees are required to execute a Confidentiality Agreement in order to begin employment at ATX. This Confidentiality Agreement, among other things, requires employees to hold customer confidential information in the strictest confidentiality. This policy bars employees from disclosing such confidential information, and prohibits employees from removing confidential information upon conclusion of employment with ATX.

Further, in October 2005, after ATX and its affiliated companies were acquired out of Chapter 11 Bankruptcy by the Leucadia National Corporation, all employees were also required to execute Leucadia's Confidentiality Agreement. This agreement, like the ATX Confidentiality Agreement, requires that employees maintain the confidentiality of information entrusted to them

by customers. Leucadia employees are directed to treat customer information as confidential and not to disclose to others. Violation of this policy may result in, among other actions, suspension of work, duties, diminution of responsibilities or demotion, and termination of employment. While no employee of ATX has acted improperly with regard to CPNI, in the sole instance where an employee improperly disclosed non-personal confidential information related to ATX's operation, the employee was promptly disciplined, including a demotion and a restriction on future access to confidential information.

Customer Notice of Privacy Policy

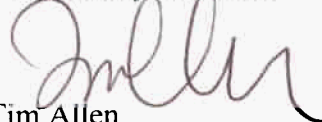
ATX has adopted a policy of inserting in its monthly bills to its customers a privacy notice assuring customers that ATX does not sell or release customer information to third parties, and directing customers to a special page on ATX's website devoted to informing customers how ATX protects their confidential information. This web page also includes a special ATX email address where customers can send their privacy questions or concerns.

Recordkeeping

ATX maintains records of its outbound marketing efforts in its customer record database. All customer service personnel, account managers and other sales personnel are instructed to record in the ATX database their contacts with the customer. These records are stored for at least one year.

In light of the recent troubling news reports regarding release of CPNI to third parties, ATX is currently auditing the privacy protections currently in place. Concurrently with this audit, ATX is establishing more comprehensive CPNI protections. To that end, and given the recent publicity about CPNI disclosure, ATX is giving all of its customers additional opportunities to grant or deny ATX approval to use CPNI for marketing communications related-services. ATX will continue to maintain and enforce its prohibition on releasing customer confidential information to third parties and further CPNI approvals will not seek approval for release of CPNI to third parties that are not agents, independent contractors, or joint venture partners of ATX.

Respectfully submitted,



Tim Allen
Senior Vice President on behalf of
ATX Licensing, Inc. and ATX
Telecommunications Services of Virginia,
LLC

cc: Byron McCoy (FCC)
Best Copy and Printing, Inc.

Certificate

I, Tim Allen, state that I am Senior Vice President on behalf of ATX Licensing, Inc. and ATX Telecommunications Services of Virginia, LLC; that I am authorized to submit the foregoing Certificate and Compliance Statement on behalf of ATX Licensing, Inc. and ATX Telecommunications Services of Virginia LLC; and that it is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read 'Tim Allen', is written over a horizontal line.

Name: Tim Allen

Title: Senior Vice President

ATX Licensing, Inc. and ATX

Telecommunications Services of Virginia,
LLC